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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/649,218

08/26/2003

Larry Kirn

189877/US/2

5415

27076

7590

07/11/2008

DORSEY & WHITNEY LLP  
INTELLECTUAL PROPERTY DEPARTMENT  
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SEATTLE, WA 98101

EXAMINER

CHANG, JOSEPH

ART UNIT

PAPER NUMBER

2817

MAIL DATE

DELIVERY MODE

07/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10649218	8/26/03	KIRN, LARRY	189877/US/2

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**EXAMINER**

Joseph Chang

ART UNIT	PAPER
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2817	20080708
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**Commissioner for Patents**

In response to the remand to the examiner from the BPAI, the claims have been reviewed in light of the memorandum issued on May 15, 2008 by John J. Love, the Deputy Commissioner for Patent Examining Policy, entitled "Clarification of Processes under 35 USC 101. Further, the claims do not recite purely mental steps and the claimed steps of "measuring" and "locking" inherently require use of machine. As such, it has been determined that the claims are directed to statutory subject matter under 35 USC 101. See In re Comiskey ( 84 USPQ2d 1670). The case is being returned to the BPAI for decision on appeal.

/Joseph Chang/  
Primary Examiner, Art Unit 2817